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ALSTON & BIRD LLP

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DATE: June 1, 2004

TO: U.S. PATENT & TRADEMARK OFFICE
Attn: Anne Kubelik/ Art Unit 1638

FROM: Leigh W. Thorne Fax 1 of 3

Appl. No.: 10/032,717 Confirmation No.: 5409
Applicant(s): Abad *et al.*
Filed: October 23, 2001
Art Unit: 1638
Examiner: Anne Kubelik
Title: GENES ENCODING NOVEL BACILLUS THURINGIENSIS PROTEINS WITH PESTICIDAL
ACTIVITY AGAINST COLEOPTERANS

Docket No.: 35718/237005
Customer No.: 29122

Attached please find the following documents submitted responsive to the Advisory Action of 2/18/04 and the Final Rejection of 12/03/03 for the above-referenced application:
Appeal Brief (30 pages); One Month Extension (1 page); and Appeal Brief Transmittal Sheet (1 page)

NO. OF PAGES: 33
(Including cover page)

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USER CODE: THORL FAX NUMBER: 703-872-9306
CLIENT/MATTER: 035718/237005
REQUESTED BY: VOICE NUMBER: 571-272-0801

RTA01/2154982v1

Attorney's Docket No. 035718/237005 (5718-118)

PATENT**In The United States Patent And Trademark Office**

In re: Abad *et al.* Confirmation No.: 5409
Appl. No.: 10/032,717 Group No.: 1638
Filed: October 23, 2001 Examiner: A.R. Kubelik
For: GENES ENCODING NOVEL BACILLUS THURINGIENSIS PROTEINS WITH
PESTICIDAL ACTIVITY AGAINST COLEOPTERANS

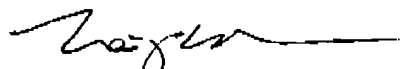
June 1, 2004

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF TRANSMITTAL
(PATENT APPLICATION - 37 C.F.R. § 1.192)

1. Transmitted herewith, in **triplicate**, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on March 1, 2004.
 2. ☐ Applicant claims small entity status.
 3. Pursuant to 37 C.F.R. § 1.17(c), the fee for filing the Appeal Brief is:
☐ small entity \$165.00
☒ other than small entity \$330.00
- Appeal Brief fee due \$330.00
- ☒ Any additional fee or refund may be charged to Deposit Account 16-0605.

Respectfully submitted,

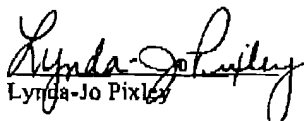


Leigh W. Thorne
Registration No. 47,992

Customer No. 29122
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

CERTIFICATION OF FACSIMILE TRANSMISSION

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Lynda-Jo Pixley

June 1, 2004
Date

**RESPONSE UNDER 37 C.F.R. 1.116 -
EXPEDITED PROCEDURE - EXAMINING GROUP 1638**

Attorney's Docket No. 035718/237005 (5718-118)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Abad *et al.* Confirmation No.: 5409
 Appl. No.: 10/032,717 Group No.: 1638
 Filed: October 23, 2001 Examiner: A.R. Kubelik
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PETITION AND FEE FOR EXTENSION OF TIME 37 C.F.R. § 1.136(a)

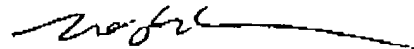
- This is a petition for an extension of time for a total period of one month to respond to the March 1, 2004 Notice of Appeal.
- Applicant is ☐ a small entity; ☒ other than a small entity.
- Calculation of extension fee (37 C.F.R. § 1.17(a)(1)-(a)(5)):

Total Months Requested	Fee For Other Than Small Entity	Fee for Small Entity
<input checked="" type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$420.00	\$210.00
<input type="checkbox"/> three months	\$950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months*	\$2,010.00	\$1,005.00

*Cannot be used to exceed six-month statutory limit for response to an Official Action.

- ☐ A check in the amount of \$ is enclosed.
☒ Charge Deposit Account No. 16-0605 for the extension fee.
☒ Charge Deposit Account No. 16-0605 for any fee deficiency.

Respectfully submitted,



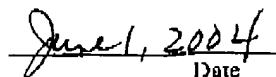
Leigh W. Thorne
 Registration No. 47,992

Customer No. 29122
ALSTON & BIRD LLP
 Bank of America Plaza
 101 South Tryon Street, Suite 4000
 Charlotte, NC 28280-4000
 Tel Raleigh Office (919) 862-2200
 Fax Raleigh Office (919) 862-2260

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 Lynda-Jo Pixley


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